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November 13, 2006

BY E-FILE

The Honorable Joseph J. Farnan, Jr.
 United States District Court
 844 North King Street
 Lock Box 27
 Wilmington, DE 19801

Re: Butz v. Lawns Unlimited Ltd. et al
C.A. No. 05-495

Dear Judge Farnan:

On Friday, November 10, 2006, this office was retained to take over representation of Defendants Lawn Unlimited, Ltd. and Edward Fleming in the above-referenced matter. Eric C. Howard, Esquire, of Wilson, Halbrook & Bayard in Georgetown, Delaware has been the named counsel for Defendants until this time. A Notice of Substitution of Counsel will be filed to reflect this change in counsel once received from Mr. Howard. Plaintiff Renee M. Butz continues to represent herself *pro se*.¹

I spoke with Plaintiff yesterday at some length about the status of this case. We agreed that I would write the Court on behalf of both parties to respectfully request a status teleconference. From a brief review of the Docket Report, it appears that the case is not in compliance with the Scheduling Order issued by the Court on August 15, 2006. (D.I. 20).

¹ Plaintiff's Motion for Appointment of Counsel, (D.I. 17), is currently pending.

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The Scheduling Order set discovery to end on October 17, 2006. Dispositive motions are due Friday, November 17, 2006. On September 27, 2006, Plaintiff noticed the deposition of Defendant Fleming for today, November 13, 2006.

Defendants did not file an Amended Answer to Plaintiff's Amended Complaint, submitted their Rule 26 Initial Disclosures, propounded any formal discovery requests to Plaintiff, responded to Plaintiff's discovery requests, or noticed any depositions before discovery closed last month.

In order to avoid prejudice to all parties, Defendants and Plaintiff jointly request a teleconference with Your Honor to discuss the current status of the case and to determine whether it is appropriate to reopen the discovery period. I have suggested to Plaintiff that a Revised Scheduling Order may be in the best interest of both parties in light of the current situation.

On behalf of both parties, Defendants thank the Court for its consideration of their request. Counsel is available at the Court's convenience should the Court wish to discuss this issue with the parties.

Respectfully submitted,

/s/ Margaret M. DiBianca

Margaret M. DiBianca (#4539)

MDIBI:m

cc: Renee M. Butz (non-registered participant served via U.S. Certified Mail and e-mail)
 Eric C. Howard, Esquire (via CM/ECF)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CERTIFICATE OF SERVICE

I, hereby certify that on November 13, 2006, I electronically filed a true and correct copy of the foregoing **Letter to the Court regarding the Substitution of Counsel and Request for Teleconference** with the Clerk of the Court using CM/ECF which will send notification of such filing to the following: Eric C. Howard, Esquire. I hereby certify that on November 13, 2006, I have mailed by United States Postal Service, Certified Mail, the document to the following non-registered participant:

Renee M. Butz
58 Hickory Drive
North East, Maryland 21901

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/s/ Margaret M. DiBianca

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